

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: 1:24-cv-22448

ESTES EXPRESS LINES,

**COMPLAINT UNDER THE  
FREEDOM OF INFORMATION  
ACT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Plaintiff,

vs.

EXECUTIVE OFFICE FOR UNITED  
STATES ATTORNEYS,

Defendant.

---

**INTRODUCTION**

Plaintiff, Estes Express Lines, submitted a Freedom of Information Act (“FOIA”) request to Defendant Executive Office for the United States Attorneys on February 8, 2023, for records concerning the prosecution of William Roman in the matter of *United States of America v. William Roman*, Case Number 18-20915-CR-KMV in the United States District Court for the Southern District of Florida – Miami Division. Defendant has failed to disclose the requested documents within the time prescribed by the FOIA. Therefore, Plaintiff now files this action for injunctive and other appropriate relief under the Freedom of Information Act, 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 5 U.S.C. §§ 552(a)(4)(B), (6)(C)(i) and 28 U.S.C. § 1331.

2. Venue is proper in this Court under 5 U.S.C. § 552(a)(4)(B) because the Department of Justice records are situated in the Miami, Florida office.

### **PARTIES**

3. Plaintiff Estes Express Lines through its undersigned attorney submitted a FOIA request to the Department of Justice on February 8, 2023. Estes Express Lines has its principal place of business in Richmond, Virginia.

4. Defendant Executive Office for the United States Attorneys is a component agency of the Department of Justice (“DOJ”) and an agency of the United States under 5 U.S.C. § 552 (f)(1). Among other duties, the United States Attorney’s Office was responsible for the prosecution of William Roman in the matter of *United States of America v. William Roman*, Case Number 18-20915-CR-KMV in the United States District Court for the Southern District of Florida – Miami Division. The United States Attorney’s Office has responsive records in its possession, custody, and control. Defendant is charged with the duty to provide public access to records in its possession consistent with the requirements of FOIA.

### **STATEMENT OF FACTS**

5. On February 8, 2023, Plaintiff, through its lawyers, filed a FOIA request (“Request” or “FOIA Request”) with the Executive Office for the United States Attorneys for records relating to the prosecution of William Roman in the matter of *United States of America v. William Roman*, Case Number 18-20915-CR-KMV in the United States District Court for the Southern District of Florida – Miami Division. The FOIA Request complied with the FOIA requirements and is attached hereto as **Exhibit A** [14].

6. On February 9, 2023, the undersigned received a request acknowledgment, case No. EOUSA-2023-000466, and response to the request attached hereto as **Exhibit B** [15].

7. The documents received via email with a zipped file contained only the pleadings and docket entries in the underlying case of *United States of America v. William Roman*, Case Number 18-20915-CR-KMV in the United States District Court for the Southern District of Florida – Miami Division. The documents made available to undersigned were incomplete and unresponsive to our request.

8. On March 14, 2023, the undersigned filed an appeal to the Department of Justice regarding its Freedom of Information Act Request No. 001311 attached hereto as **Exhibit C [17]**.

9. On March 14, 2023, a response was received from the Department of Justice acknowledging the appeal and assigning a new case number A 2023 00907 attached hereto as **Exhibit D [18]**.

10. On July 31, 2023, a response to the appeal was received and the request was remanded to the EOUSA for further search for additional responsive records attached hereto as **Exhibit E [22]**.

11. Undersigned has made several attempts to try to follow up with the Executive Office of the United States Attorney regarding additional documents requested after request was remanded back after it was appeal, to no avail.

12. As of this date, the Executive Office of United States Attorneys has failed to provide responsive documents to Plaintiff's request.

13. Under FOIA, an agency is required to make an initial "determination" within regard to a request within twenty business days of its receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i).

14. If there are "unusual circumstances" as defined by statute, an agency may extend the time to make its determination by no more than ten working days. *See* 5 U.S.C. § 552(a)(6)(B)(i).

15. Under FOIA, a person making a request is deemed to have exhausted his administrative remedies if the agency fails to comply with the applicable time limit provisions set forth in the statute. *See* 5 U.S.C. § 552(a)(6)(C)(i).

16. The Executive Office of United States Attorneys thus has failed to produce any responsive agency records to Plaintiff and the statutory period for an agency response has expired. USCIS similarly has failed to communicate the scope of documents it intends to produce and its reasons for withholding any documents.

### **CAUSES OF ACTION**

#### **COUNT ONE**

#### **Violation of the Freedom of Information Act, 5 U.S.C. § 552 for Failure to Respond Within the Time Required**

17. Plaintiff repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth therein.

18. Under the FOIA, Defendant is required to respond to Plaintiff's FOIA request and to notify Plaintiff of the agency's determination within twenty days after receiving the request. 5 U.S.C. § 552(a)(6)(A), (6)(B).

19. Defendant's failure to make the requisite determination and to communicate it to the Plaintiff within the time allowed by the statute violates the FOIA. 5 U.S.C. § 552 (a)(6)(A)(i).

#### **COUNT TWO**

#### **Violation of the Freedom of Information Act, 5 U.S.C. § 552 for Failure to Conduct an Adequate Search**

20. Plaintiff repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

21. Defendant has violated their obligation under the FOIA by failing to make a reasonable effort to search for records responsive to Plaintiff's request. 5 U.S.C. § 552(a)(3)(C).

**COUNT THREE**  
**Violation of the Freedom of Information Act, 5 U.S.C. § 552;**  
**Wrongful Withholding of Records**

22. Plaintiff repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth therein.

23. Defendant is wrongfully withholding agency records by failing to produce non-exempt records responsive to Plaintiff's FOIA request and by failing to segregate and produce non-exempt records responsive to Plaintiff's FOIA request.

24. Defendant is obligated under 5 U.S.C. § 552(a)(3)(A) to promptly produce records responsive to the Plaintiff's FOIA request.

25. Plaintiff has a legal right to obtain such records, and no legal basis exists for Defendant's failure to disclose them.

26. Defendant's failure to disclose all responsive records violates their statutory obligations to make requested records promptly available to the public. 5 U.S.C. § 552(a).

**RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Assume jurisdiction in this matter and maintain jurisdiction until Defendant complies with FOIA and every order of this Court;
2. Declare that Defendant's failure to make a timely determination with regard to Plaintiff's Request violates FOIA, 5 U.S.C. §§ 552(a)(6)(A)(i) and (B);
3. Order Defendant to expeditiously conduct an adequate search for all records responsive to Plaintiff's FOIA Request in accordance with 5 U.S.C. § 552(a)(3)(C);

4. Declare that Defendant's failure to promptly disclose the records responsive to Plaintiff's Request violates FOIA, 5 U.S.C. . § 552(a)(3)(A);
5. Order Defendant to expeditiously disclose all responsive, non-exempt records and enjoin Defendant from improperly withholding records;
6. Award Plaintiff his attorneys' fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E); and
7. Grant such other relief as the Court may deem just, equitable, and appropriate.

Dated: June 26, 2024.

Respectfully submitted,

**WALLEN KELLEY**

*Attorneys for Plaintiff*

1600 Ponce de Leon Blvd., PH1

Coral Gables, FL 33134

Telephone: (305) 723-1100

By: /s/ John D. Golden

**JOHN D. GOLDEN**

Fla. Bar No.: 326399

[jgolden@wallenkelley.com](mailto:jgolden@wallenkelley.com)

JENNIFER A. GOLDEN

Fla. Bar No. 00058678

[jagolden@wallenkelley.com](mailto:jagolden@wallenkelley.com)